

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

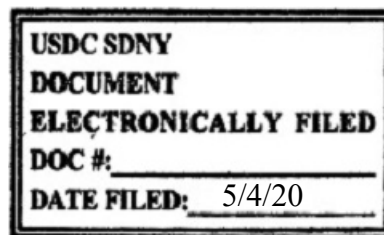
EFCG, INC.,

Plaintiffs,

-against-

AEC ADVISORS, LLC, et al.,

Defendants.



19-CV-8076 (RA) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

The above-referenced action has been referred to Magistrate Judge Barbara Moses for general pretrial management, including scheduling, discovery, non-dispositive pretrial motions, and settlement, pursuant to 28 U.S.C. § 636(b)(1)(A). All pretrial motions and applications, including those related to scheduling and discovery (but excluding motions to dismiss or for judgment on the pleadings, for injunctive relief, for summary judgment, or for class certification under Fed. R. Civ. P. 23) must be made to Judge Moses and in compliance with this Court's Individual Practices in Civil Cases, available on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.

The Court observes that plaintiff and defendants have each raised disputes regarding the opposing party's discovery responses and/or document productions. (Dkt. No. 64 at 1-3.) However, it appears from the parties' most recent correspondence that they have not yet met and conferred about some or all of those disputes. The Court therefore ORDERS as follows:

1. **No later than May 11, 2020**, the parties shall meet and confer in real time, by telephone or videoconference (an exchange of emails is not sufficient), regarding the discovery issues raised in their joint letter dated April 24, 2020 (Dkt. No. 64).
2. **No later than May 15, 2020**, any party which wishes to raise a still-outstanding discovery dispute with the Court shall file a letter-motion seeking a discovery conference in compliance with Local Civil Rule 37.2 and the Court's Individual Practices. *See* Moses Indiv. Prac. §§ 1(a), 1(d), 2(b); Moses Emergency Indiv. Prac. § 1(d). Responses and replies shall be filed on the schedule provided in the Court's Individual Practices. Moses Indiv. Prac. § 2(e).
3. The Court advises the parties that there is no priority in depositions, regardless of who "issued the first notices of depositions." (*Cf.* Dkt. No. 64 at 2.)

**PLEASE BE AWARE THAT, FOR THE DURATION OF THE COVID-19 NATIONAL EMERGENCY, UNLESS OTHERWISE ORDERED BY THE COURT:**

**Conferences and Hearings.** All court conferences and hearings will be conducted by teleconference. The parties are directed to call (888) 557-8511 a few minutes before the proceeding is scheduled to begin and enter the access code 7746387. Please treat the teleconference as you would treat a public court appearance. If a conference or hearing in another matter is ongoing, please be silent (mute your line) until your case is called. For other teleconferencing guidelines, counsel should review Judge Moses's Emergency Individual Rules and Practices, available at <https://www.nysd.uscourts.gov/hon-barbara-moses>.

**Remote Depositions.** Pursuant to Fed. R. Civ. P. 30(b)(3) and (b)(4), all depositions in this action may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This Order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. For avoidance of doubt, a deposition will be deemed to have been conducted "before" an officer so long as that officer attends the deposition via the same remote means (*e.g.*, telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.

Dated: New York, New York  
May 4, 2020

**SO ORDERED.**



**BARBARA MOSES**  
United States Magistrate Judge